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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CHARLES BARRETT,  
  
Defendant.

CASE NO. 1:22-CR-00213-ADA  
STIPULATION RE: REVIEW OF MENTAL  
HEALTH RECORDS

Plaintiff United States of America (“USA”), Defendant Charles Barrett (“Defendant”), and K.G., who is identified in the indictment (collectively, “Parties”), by and through their respective counsel, stipulate as follows:

1. The Defendant agrees to submit a motion to request records directed to the mental health providers in accordance with Federal Rule of Criminal Procedure 17. The Defendant will file his motion no later than Friday, November 17, 2023.
2. K.G. will provide the names of her mental health providers from May 2014 until August 2018, and last known addresses of said providers, to counsel for the Government and counsel for the Defendant. K.G. will provide this information no later than Friday, November 24, 2023. These records will be subject to a protective order that limits their review, possession, and dissemination to attorneys’ eyes only.
3. If the Court grants the Defendant’s request for Rule 17 subpoenas to be issued to K.G.’s

1 mental health providers, any responsive records from the providers will be directed to the  
2 Court and K.G.'s counsel. Neither the Government nor the Defendant will take  
3 possession of responsive records until K.G.'s counsel and the Court have reviewed the  
4 records and the Court has determined the portion of these records that is non-privileged.

- 5 4. K.G.'s counsel will review the responsive records and propose redactions to the Court  
6 based on K.G.'s mental health privilege.
- 7 5. After the Court reviews the proposed redactions, and approves some or all of the  
8 redactions, K.G.'s counsel will provide counsel for the Government and counsel for the  
9 Defendant with redacted mental health records containing the non-privileged records.  
10 These records will be subject to a protective order that limits their review, possession,  
11 and dissemination to attorneys' eyes only, except that any expert consultants used by the  
12 Government and the Defendant may review and possess the records.
- 13 6. The Government and the Defendant will be required to file Motions in Limine prior to  
14 trial outlining what information, if any, from these records they intend to use during the  
15 trial. These motions must be filed within fourteen days of receipt of the mental health  
16 records. A hearing will be held to determine the admissibility of any evidence from  
17 K.G.'s mental health records.
- 18 7. At trial, the Government and Defendant agree that if the evidence adduced changes the  
19 admissibility determination previously outlined by the Court, the Government and  
20 Defendant will request a hearing outside of the jury's presence to address the  
21 admissibility of K.G.'s records.

22 **IT IS SO STIPULATED.**

23 Respectfully Submitted,

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1 Dated: November 13, 2023

2  
3 By: /s/ Trenton H. Norris  
4 Trenton H. Norris  
5 Joseph T. Spoerl  
6 *Attorneys for K.G.*

7 Dated: November 14, 2023

8 By: /s/ David A. Torres  
9 David A. Torres  
10 Timothy Hennessey  
11 *Attorneys for Defendant*  
12 CHARLES BARRETT

13 Dated: November 13, 2023


14 By: /s/ Arin C. Heinz  
15 Arin C. Heinz  
16 Michael G. Tierney  
17 *Attorneys for Plaintiff*  
18 Assistant United States Attorney

19 **ORDER**

20 Pursuant to the stipulation of the Parties, the Court HEREBY ORDERS the above procedure for  
21 the handling of K.G.'s mental health records.

22 IT IS SO ORDERED.

23 Dated: November 15, 2023

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26 UNITED STATES DISTRICT JUDGE  
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